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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,443	07/08/2003	Daniel Stanimirovic		7388

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EXAMINER

TANNER, HARRY B

ART UNIT	PAPER NUMBER
	3744

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/615,443	STANIMIROVIC, DANIEL <i>Cr</i>
	Examiner	Art Unit
	Harry B. Tanner	3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,126,162,163,187,188,195,196,199-204,206,219 and 272-305 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) _____ is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) 1, 126, 162-163, 187-188, 195-196, 199-204, 206, 219, 272-305 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1,162, 163 and 299, drawn to variable volume air distribution system, classified in Class 165, subclass 217.
- II. Claims 126,187-188,195-196,199-204,206,219,272-291,296,297/296,298, drawn to a method of monitoring and display of intended operation point, classified in Class 161, subclass 11.1.
- III. Claims 292-293, drawn to a method for determining heat transfer of a heat exchanger classified in Class 374, subclass 39.
- IV. Claims 294-295, 297/294, drawn to a method for control of a terminal device, classified in Class 236, subclass 1B.
- V. Claims 300-304, drawn to control of outdoor air and return air content, classified in Class 165, subclass 249.
- VI. Claim 305, drawn to a smoke mode operation, classified in Class 454, subclass 257.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I, II, III, IV, V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention in Group I as recited in claim 1 has separate utility such as in a system that does not have the establishing mover x/y values and interpolating signals of Group II; the correcting for densities, specific heat and specific gravity of Group III; the increasing BHP or fan blade pitch angle of Group IV; the calculating OA/RA values of Group V; nor the applying appropriate ACH required to dilute total air of smoke of Group VI. The invention in Group II as recited in claim 272 has separate utility such as in a system that

does not have the primary mover, means for measuring mover speed, and output to motor control and damper actuation of Group I; the correcting for densities, specific heat and specific gravity of Group III; the increasing BHP or fan blade pitch angle of Group IV; the calculating OA/RA values of Group V; nor the applying appropriate ACH required to dilute total air of smoke of Group VI. The invention in Group III as recited in claim 292 has separate utility such as in a system that does not have the primary mover, means for measuring mover speed, and output to motor control and damper actuation of Group I; the establishing mover x/y values and interpolating signals of Group II; the increasing BHP or fan blade pitch angle of Group IV; the calculating OA/RA values of Group V; nor the applying appropriate ACH required to dilute total air of smoke of Group VI. The invention in Group IV as recited in claim 294 has separate utility such as in a system that does not have the primary mover, means for measuring mover speed, and output to motor control and damper actuation of Group I; the establishing mover x/y values and interpolating signals of Group II; the correcting for densities, specific heat and specific gravity of Group III; the calculating OA/RA values of Group V; nor the applying appropriate ACH required to dilute total air of smoke of Group VI. The invention in Group V as recited in claim 300 has separate utility such as in a system that does not have the primary mover, means for measuring mover speed, and output to motor control and damper actuation of Group I; the establishing mover x/y values and interpolating signals of Group II; the correcting for densities, specific heat and specific gravity of Group III; the increasing BHP or fan blade pitch angle of Group IV; nor the applying appropriate ACH required to dilute total air of smoke of Group VI. The invention in Group VI as recited in claim 305 has separate utility such as in a system that does not have the primary mover, means for measuring mover speed, and output to motor control and damper actuation of Group I; the establishing mover x/y values and

interpolating signals of Group II; the correcting for densities, specific heat and specific gravity of Group III; the increasing BHP or fan blade pitch angle of Group IV; nor the calculating OA/RA values of Group V. See M.P.E.P. § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search for each group is not required for the other groups restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 6:00 pm Monday, Wednesday, Thursday and Friday and 2:00 pm to 6:00 pm Tuesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harry B. Tanner
Primary Examiner
Art Unit 3744